

REMARKS

The Examiner has rejected Claims 8 and 17 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner has objected to the use of the word "proprietary." In response, applicant has clarified what is claimed, based on the dictionary definition of "proprietary," as well as what is disclosed in the originally filed specification.

The Examiner has further rejected Claims 1-24 under 35 U.S.C. 102(b) as being anticipated by Hill et al. (US Patent 6,008,804). Applicant respectfully disagrees with such rejection, especially in view of the amendments made hereinabove. Specifically, the subject matter of former Claims 5 and 8 et al. has at least partially been incorporated into each of the independent claims.

With respect to the subject matter of Claim 5 et al. (now substantially incorporated into each of the independent claims), the Examiner relies on col. 4, line 5 – col. 10, line 4 from Hill to make a prior art showing of applicant's claimed "wherein the engine interface application control module translates the requests and events for each of the scanning engines." Further, the Examiner states that "whereas the SOM processor and associated display/display processor in the ANN security system architecture clearly addresses the forwarding of signature updates (i.e. request to scan with updated attack signature) functionality, and further initiate the learning cycle/node signature update to the security agents."

Applicant respectfully disagrees with such assertion. There is clearly no "translation" of scanning engine requests and events, as claimed. Hill merely discloses "learning" in the context of displaying attacks. See the excerpt from Hill below, which illustrates this.

"A conventional self-organizing map algorithm, such as a learning vector quantization algorithm, employed by SOM processor 40 (FIG. 1) is a variant of a known self-organizing

map algorithm of a type of artificial neural network technology. The self-organizing map algorithm plots a vector representative of first training signature 55 onto the two dimensional array of display cells 68 in such a way that vectors projected onto adjacent display cells 68 are more similar than vectors projected onto distant display cells 68. In other words, simulated attacks that most closely resemble one another are mapped into display cells 68 that are physically close to one another in display map 66." (see col. 6, lines 40-52)

Thus, only applicant teaches and claims the translation of scanning engine requests and events for utilizing multiple scanning engines, as claimed.

Still yet, with respect to the subject matter of Claim 8 et al. (now substantially incorporated into each of the independent claims), the Examiner relies on col. 4, line 5 – col. 10, line 4 from Hill to make a prior art showing of applicant's claimed proprietary scanning engines. Further, the Examiner states that "whereas for the sake of applying art, the scanning engines are clearly proprietary, relative to whoever manufactured the specific engine used. Further, since the Hill et al. ANN security scanners are recited as "existing technologies..." the scanners are clearly inherently proprietary."

Applicant respectfully disagrees with such assertion, especially in view of the amendments made hereinabove. Specifically, now claimed in each of the independent claims is "wherein the scanning engines are unique proprietary scanning engines each associated with a different vendor." Thus, now emphasized is the fact that the scanning engines are unique and associated with different vendors, thus accentuating the crux of the invention which involves allowing multiple, unique scanning engines to be used in conjunction.

The Examiner is reminded that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, the identical invention must be shown in as complete detail as contained in the claim.

Richardson v. Suzuki Motor Co. 868 F.2d 1226, 1236, 9USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

This criteria has simply not been met by the Hill reference, as noted above.

Despite the significant deficiencies in the Examiner's arguments noted above and in the spirit of expediting the prosecution of the present application and bringing closure to prosecution, applicant has amended each of the independent claims to include the following subject matter believed to be patentable:

"wherein the requests and events for each of the scanning engines are in a format different from formats of the other scanning engines" (see all of the independent claims).

A notice of allowance or a specific prior art showing of each of the foregoing claim limitations, in combination with the remaining claim elements, is respectfully requested.

Applicant further emphasizes that the Examiner's application of the prior art to the dependent claims is further replete with deficiencies. Just by way of example, with respect to the subject matter of Claim 2 et al., the Examiner equates the suggestion of a "node" in Hill with applicant's claimed "gateway." A gateway is clearly an entity that exists between two separate networks. Thus, the "node" in Hill, which is just a point in a computer/network simply does not even suggest applicant's claimed "gateway." Claim 3 et al. is similarly deemed allowable as only applicant teaches and claims automatically generating a request based on the specific condition of receiving data at a gateway.

Still yet, with respect to the subject matter of Claim 6, the Examiner attempts to map Hill's discussion of "protocols" to meet applicant's claimed "wherein the event processor module translates the events from each of the scanning engines into a single format." In response, applicant emphasizes that the disclosure of

"protocols" in no way suggests translation, let alone translating events of different scanning engines into a single format, as claimed.

Again, a notice of allowance or a specific prior art showing of each of the foregoing claim limitations, in combination with the remaining claim elements, is respectfully requested.

Still yet, applicant brings the Examiner's attention to the following new claims which include subject matter believed to be patentable:

"wherein the translation involves a table translation" (see Claim 25);

"wherein the translation involves an algorithmic data interpolation" (see Claim 26); and

"wherein different proprietary scanning engines are combined into a single product" (see Claim 27).

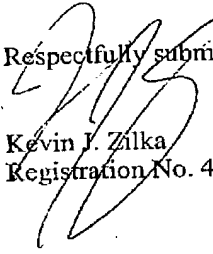
A notice of allowance or a specific prior art showing of each of the foregoing claim limitations, in combination with the remaining claim elements, is respectfully requested.

Reconsideration is respectfully requested.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. If any fees

are due in connection with the filing of this paper, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1351 (Order No. NAI1P021/01.138.01).

Respectfully submitted,


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